



NORFOLK

Inter Departmental Memorandum

TO: Norfolk City Council

FROM: Bryan Pennington, Director of Intergovernmental Relations

COPIES TO: Constitutional Officers, Council Appointees, and Senior Executive Staff

SUBJECT: 2014 General Assembly Activity Report # 4, week ending 2/7/14

DATE: February 7, 2014

[Norfolk's 2014 Legislative Priorities](#), adopted by Council Resolution, requests the 2014 General Assembly to consider: 3 Budget Amendment Requests; 3 Legislative Requests; and 10 Legislative Priorities. This memo is intended to be an update to last week's GA Activity Report # 3, week ending 1/31/14.

GA Activity Report # 4 has been organized to provide brief updates on the city's legislative requests and priorities and for the purpose of identifying other relevant legislative bills/amendments of interest or concern to the Administration.

Norfolk's 2014 Legislative Requests Update:

1. **Request for the General Assembly to establish a 2 year joint subcommittee to formulate statewide recommendation for addressing recurrent flooding.** [SJ 3 \(Locke\)](#) / [SJ 34 \(McWaters\)](#) / [HJ 16 \(Stolle\)](#):

SJ 34 (McWaters) was incorporated into SJ 3 (Locke) and was passed by the full Senate 1/22 (38-0). The bill has been referred to the House Committee on Rules. Staff has no concerns w/ SJ 3 (Locke) passing at this time.

HJ 16 (Stolle) passed full House on 2/5 unanimously (92-0). Staff has no concerns with HJ 16 passing at this General Assembly at this time.

Both chambers passed essentially identical bills unanimously. This is a significant achievement.

2. **Norfolk City Charter changes re: statutorily required public meetings and the creation of a deputy chief of police position.** [SB 198 \(Alexander\)](#) / [HB 399 \(A. Howell\)](#):

Norfolk has combined two City Charter amendment requests into one legislative bill. The Council has requested to change Norfolk's Charter so that the Council is only statutorily required to meet once per month, like most Virginia local governments. If passed, Council will still retain the authority to decide for itself the

frequency of meetings over and above once per month. The second City Charter amendment seeks to authorize the creation of a new Deputy Chief of Police position.

SB 198 (Alexander) unanimously passed the full Senate on 2/3 and has been referred to the House Cities, Counties, and Towns Committee. Staff has no concerns w/ SB 198 passing the Senate.

HB 399 (A. Howell) unanimously passed the House on 1/22 and has been referred to the Senate Local Government Committee. Staff has no concerns w/ HB 399 passing the Senate.

3. Request to increase Norfolk School Board Member Term from 2 years to 3 years. [SB 90 \(Alexander\)](#) / [HB 401 \(A. Howell\)](#):

Norfolk has requested that the General Assembly to increase the Norfolk School Board member terms from 2 years to 3 years. SB 90 (Alexander) unanimously passed the Senate on 1/14 and has been assigned to the House Committee on Education. HB 401 (A. Howell) unanimously passed the House on 1/23 and has been unanimously passed by the Senate Education and Health Committee.

Staff has no concerns with either bill passing at this time.

Current education-related legislative priorities the administration is working to advance (no priority order implied):

Extended School Year Grants: Items 135#22s (Marsh), 135#16s (McEachin), 135#19h (Dance)

- Introduced budget provides \$613,312 each year to provide grants for planning or start-up extended day or year schedules.
- An amendment has been introduced to increase the amount of funding available for extended school year grants by \$2.4 million per year. Language is requested to allow extended year start-up grants of up to \$300,000 per year. Planning grants are capped at \$50,000 per year.
- Per school cost estimates tabulated by the Department of Education ranged from \$77,000 for a pilot program to over \$400,000 per year.
- The Joint Legislative Audit and Review Committee (JLARC) completed a study in October 2012 on Year Round Schools in the state of Virginia. The study found that SOL test scores of at-risk student groups were more likely to increase at a faster rate at extended year schools.

Reading Specialist Initiative: Items 136#16h (McClellan), 136#25s (Ruff)

- Introduced budget provides \$1.48 million each year for a reading specialist at schools with a 3rd grade pass rate of less than 75 percent on the reading SOL test.
- This amendment increases the amount of funding available for the reading specialist initiative by \$1.0 million per year. Eligibility for the funding is available to any school with a pass rate of under 80 percent on the 3rd grade reading SOL.
- The Virginia Board of Education has recommended a Standard of Quality of one reading specialist for every 1,000 students in K-12. The state cost of this recommendation is \$51 million per year. This recommendation has gone unfunded by the General Assembly.

- The Joint Legislative Audit and Review Committee (JLARC) completed a study in September 2011 on “Strategies to Promote Third Grade Reading Performance in Virginia”. JLARC found that student pass rates on the third grade reading Standards of Learning test fall short of the State's aspirational goal of a 95 percent statewide pass rate. Socioeconomic factors such as economic status, disability, and race have a considerable impact on pass rates. Key strategies to improve scores include literacy coaches, reading specialists, and additional staff to assist in the classroom.

Instructional Specialists: Items 136#17(h) McClellan), 136#7s (Barker)

- Introduced budget provides \$1.83 million each year for a reading or math specialists at 26 chronically underperforming schools denied accreditation or accredited with warning for the third consecutive year.
- This amendment increases the amount of funding available for the instructional specialist initiative by \$32.4 million per year. This amendment would provide state support for a reading/math specialist in all 485 schools required to implement plans to narrow achievement gaps under the Virginia NCLB waiver.
- The Virginia Board of Education has recommended a Standard of Quality of one reading specialist for every 1,000 students in grades K-12. The state cost of this recommendation is \$51 million per year. This recommendation has gone unfunded by the General Assembly.
- The Virginia Board of Education has recommended a Standard of Quality of one math specialist for every 1,000 students in grades K-8. The state cost of this recommendation is \$35 million per year. This recommendation has gone unfunded by the General Assembly.

Virginia Pre-School Initiative: Items 136#11s (Vogel), 136#13h (Krupicka)

- This amendment increases the amount of funding available for the Virginia Pre-School Initiative by \$23.3 million per year. This amendment would link the 2014-16 VPI payment rate per student to the FY12 Federal Head Start per pupil payment of \$7,972. Currently the VPI payment rate has been \$6,000 per pupil since FY 2009. In future biennia, the VPI payment rate would be re-benchmarked to the new base year federal Head Start payment rate.
- Currently the number of slots available for VPI is calculated using kindergarten free lunch eligibility unserved by the Head Start program. This amendment would link the per pupil cost of VPI to the per pupil cost of Head Start.
- This amendment would reduce the almost 8,000 slot non-participation rate in the VPI program by providing state support more commensurate with the cost of the program. Evidence suggests that local non-participation is the result of inadequate available funding.

A complete list of State Budget amendments can be found at these links: [HB 29](#) / [SB 29](#) and [HB 30](#) / [SB30](#).

Current transportation-related legislative bills of interest:

Legislation to allow municipality–maintained primary extensions to qualify for state transportation funding:

[HB 1048 \(Rust\)](#) ; [SB 518 \(Wagner\)](#)

- 2012 Session legislation created a new transportation construction allocation formula, with \$500 mil. distributed by the Commonwealth Transportation Board before any direct distribution for construction projects is made to urban system roads.
- Twenty-five percent of this new \$500 mil. formula is designated for state reconstruction of deteriorating primary and interstate roads. This definition excludes municipal primary extensions even though they carry a large share of the state’s traffic and have been found in a recent VDOT survey to be in worse pavement condition than state-maintained primary roads.
- Cities and towns primary roads contain 11 percent of the state’s primary road lane miles while carrying nearly 27 percent of the state’s primary road vehicle-miles traveled.
- VDOT found in a 2013 pavement condition survey that twice as many municipal primary extension pavements (40%) were deficient as compared to state-maintained primary roads (20%).
- State urban construction distributions were discontinued in FY 2009 from lack of funds, and even with new revenues are not scheduled to resume until FY 2017.
- Despite significant increases in state transportation revenues in the 2013 Session, funding for street maintenance payments were not enhanced.
- In a VDOT presentation to CTB (June 19, 2013), the agency noted that: 1) 71 of the 86 cities and towns that receive state maintenance payments expend more on maintenance than the state payments; 2) local arterials are generally in the same or worse condition than similar roadways maintained by VDOT, and this is more significant in more urbanized areas; 3) unlike most VDOT maintained roads, urban localities deal with such activities as utility cables, bus stops and shelters, traffic lights, curbs, fire hydrants, storm drains, sewer lines, sidewalks, and water and gas mains; and 4) urban localities, on average, spend more on pavement and drainage than VDOT does per lane mile.

Statewide prioritization process for transportation project selection: [HB 2 \(Stolle\)](#)

Directs the Commonwealth Transportation Board to develop an objective, quantifiable prioritization process for transportation project selection. As contemplated, the process would be developed over the next 18 months and would take effect on July 1, 2016. Key components of legislation that has yet to be heard by the full House are as follows:

- The legislation is intended to strengthen Virginia’s transportation systems by establishing an objective, quantifiable prioritization process for project selection.
- The prioritization process contemplated will score projects based on the needs determined by the regional leadership. The envisioned process will consider congestion, economic development, accessibility, safety and environmental quality.
- Does not change the process for regional funding from HB 2313 or impact the authority of local governments or metropolitan planning organizations.

Public Private Transportation Act: [SB 165 \(Locke\)](#), [HB 346 \(James\)](#), [SB 91 \(Alexander\)](#)

Governor McAuliffe asked all PPTA Patrons to withdraw their bills so the Administration has an opportunity to address local governments' expressed concerns. This is viewed as a positive development by most local governments.

Other legislative bills of interest:

Attorney's fees bill defeated [SB 666 \(Petersen\)](#) —Legislation that would have created a significant financial burden on localities, the state and other entities involved in condemnation cases that go to trial failed in the Senate Finance Committee on Thursday. If passed as introduced, SB 666 would have allowed attorney's fees to be awarded in such cases when the landowner received an award 30 percent higher than the offer from the locality. Current law specifically denies the awarding of attorney's fees in such instances.

Several BPOL and Tax Studies, resolutions or bills that would have called for even more studies of the BPOL tax did not pass the House Rules subcommittee this week:

[HJR 174 \(Byron\)](#) asked the Department of Taxation to conduct a study on tax restructuring, to include the elimination of a variety of local taxes including BPOL and machinery and tools tax. The bill was stricken from the docket at the request of the patron.

[HJR 45 \(DeSteph\)](#), which would have established a joint subcommittee to study the BPOL tax, was carried over for the year at the request of the patron.

[HB 431 \(LeMunyon\)](#), which would have established a joint subcommittee to study state and local taxes, was tabled by the subcommittee.

Additional bills and budget amendments may be added in the weeks ahead as proposals are being finalized by Legislative Services or amended in Committees. During the General Assembly session, please feel free to contact Bryan Pennington for any questions or concerns at bryan.pennington@norfolk.gov or by cell phone at **757-274-7120**.

2014 General Assembly Session Statistics as of 2/7/14 10 a.m

Type	Introduced	Passed House	Passed Senate	Passed	Cont'd to next session	Failed	Pending	Approved	Vetoed
H.B.	1272	409	1	1	91	92	1088	1	0
H.J.R.	284	172	149	149	6	12	117	0	0
H.R.	110	84	0	37	0	17	56	0	0
S.B.	672	0	319	0	60	183	429	0	0
S.J.R.	127	66	90	66	19	3	39	0	0
S.R.	32	0	25	25	0	0	7	0	0
Totals	2497	731	584	278	176	307	1736	1	0

2014 General Assembly Legislative Calendar

Date	Events and activities for the 2014 Session
February 11 th	Cross-over day. Each house completes work on its own legislation; except state budget
February 14 th	Houses of introduction completes its work on budget
February 26 th	Last day for each house to act on budget of the other house
March 3 rd	Last day for committee action on legislation
March 8 th	General Assembly scheduled to adjourn (Sine Die)
April 23 rd	Reconvened (veto) session

Norfolk Senators	Richmond Office #	Norfolk Delegates	Richmond Office #
Senator K. Alexander	804-698-7505	Delegate Hester	804-698-1089
Senator F. Wagner	804-698-7507	Delegate A. Howell	804-698-1090
Senator L. Lewis	804-698-7506	Delegate James	804-698-1080
		Delegate Joannou	804-698-1079
		Delegate L. Lewis	804-698-1000
		Delegate Stolle	804-698-1083

You can watch the Virginia House of Delegates live on the floor at this link:

http://virginia-house.granicus.com/ViewPublisher.php?view_id=3

You can view the Virginia Senate Chamber live on the floor at this link:

http://virginia-senate.granicus.com/ViewPublisher.php?view_id=3